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OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

MITCHELL, MONICA J

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/371,038

Applicant(s)

PURVIS ET AL.

Examiner

Monica J. Mitchell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities: In claim 6, the word "to" is repeated in the last line of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Webster (U.S. Patent Number 5,604,600).

Regarding claim 1, Webster discloses a scheduler for a machine comprising: a selector to select a traverser and to select policies from a library based on a model of the machine, and the traverser that is selected by the elector to look for a preferred itinerary.

Regarding claim 6, a method to schedule for a machine comprising steps of: selecting policies from a library based on a model of the machine; selecting a traverser; and traversing one of a model of the machine and a list of valid itineraries to look for a preferred itinerary.

Regarding claim 11, a computer readable media having modules stored thereon to control a processor, the modules comprising: a module to select policies from a

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library based on a model of the machine; a module to select a traverser; and a traverser to traverse on of a model of the machine and a list of valid itineraries to look for a preferred itinerary.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-5, 7-10 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webster (U.S. Patent Number 5,604,600) further in view of DeHority (U.S. Patent Number 5,129,639).

Regarding claim 2, Webster fails to disclose the scheduler wherein the traverser Includes: a first module to choose itinerary; a second module to calculate a combined weight; and logic to repeatedly operate the first and second modules to choose additional itineraries from the group of itineraries from the group of itineraries and calculate their combined weight until an end condition is reached.

However, DeHority discloses the scheduler wherein the traverser Includes: a first module to choose itinerary (column 3, line 66 to column 4, line 20); a second module to calculate a combined weight (column 4, line 20-26); and logic to repeatedly operate the first and second modules to choose additional itineraries from the group of itineraries from the group of itineraries (column 4, lines 26-51) and

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calculate their combined weight until an end condition is reached (column 4, lines 26-51; end conditions read as "GO" and "NO GO" indicators).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of DeHority with the teachings of Webster to allow the user to indicate to the printer the closest match to the print job requirements should be used rather than rejecting the job completely.

Regarding claim 3, Webster fails to disclose the scheduler further comprising a third module to choose after the end condition is reached an itinerary that has a combined weight calculated by the second module that is greater than a combined weight of any other itinerary calculated by the second module.

However, DeHority discloses the scheduler further comprising a third module to choose after the end condition is reached an itinerary that has a combined weight calculated by the second module that is greater than a combined weight of any other itinerary calculated by the second module (column 12, lines 30-42; if printer is able to make a choice as to what characteristics of the printer best satisfy the requirements of an incoming job then it is inherently taught that the weight is greater than the others to be chosen).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of DeHority with the teachings of Webster to allow the user to indicate to the printer the closest match to the print job requirements should be used rather than rejecting the job completely.

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Regarding claim 4, Webster fails to disclose the scheduler wherein: the first module chooses an itinerary from a group of itineraries, the group of itineraries being one of (i) a subset of the itineraries in a list of valid itineraries and (ii) all of the itineraries in the list of valid itineraries, and the second module includes (i) an itinerary validator to compute an itinerary weight for the chosen itinerary for each of the policies and (ii) a combined weight for the chosen itinerary.

However, DeHority discloses the scheduler wherein: the first module chooses an itinerary from a group of itineraries (column 3, line 66 to column 4, line 20), the group of itineraries being one of (i) a subset of the itineraries in a list of valid itineraries (Figures 3A and 3B show the subsets of the itineraries) and (ii) all of the itineraries in the list of valid itineraries (Figures 2A and 2B go through the full list of itineraries), and the second module includes (i) an itinerary validator to compute an itinerary weight for the chosen itinerary for each of the policies (column 11, lines 39-48) and (ii) a combined weight for the chosen itinerary (column 4, lines 26-51).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of DeHority with the teachings of Webster to allow the user to indicate to the printer the closest match to the print job requirements should be used rather than rejecting the job completely.

Regarding claim 5, Webster fails to disclose the scheduler wherein the end condition includes at least one of when a calculated combined weight for an itinerary exceeds a predetermined threshold, when a predetermined time has elapsed, when a combined weight for each of a predetermined number of itineraries has been calculated,

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and when a combined weight for each itinerary in the group of itineraries has been calculated.

However, DeHority discloses the scheduler wherein the end condition includes at least one of when a calculated combined weight for an itinerary exceeds a predetermined threshold (column 4, lines 26-51), when a predetermined time has elapsed (column 4, lines 26-28), when a combined weight for each of a predetermined number of itineraries has been calculated (column 4, 26-51), and when a combined weight for each itinerary in the group of itineraries has been calculated (column 11, lines 39-48).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of DeHority with the teachings of Webster to allow the user to indicate to the printer the closest match to the print job requirements should be used rather than rejecting the job completely.

Regarding claim 7, Webster fails to disclose the method wherein the step of traversing includes the steps of: choosing an itinerary; calculating a combined weight; and repeating the steps of choosing calculating an end condition is reached.

However, DeHority discloses the method wherein the step of traversing includes steps of: choosing an itinerary (column 3, line 66 to column 4, line 20); calculating a combined weight (column 4, line 20-26); and repeating the steps of choosing (column 4, lines 26-51) and calculating until an end condition is reached (column 4, lines 26-51; end conditions read as "GO" and "NO GO" indicators).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of DeHority with the teachings of Webster to allow the user to indicate to the printer the closest match to the print job requirements should be used rather than rejecting the job completely.

Regarding claim 8, Webster fails to disclose the method further comprising a step of choosing after the end condition is reached an itinerary that has a combined weight calculated by the second module that is greater than a combined weight of any other itinerary calculated by the second module.

However, DeHority discloses the method further comprising a step of choosing after the end condition is reached an itinerary that has a combined weight calculated by the second module that is greater than a combined weight of any other itinerary calculated by the second module (column 12, lines 30-42; if printer is able to make a choice as to what characteristics of the printer best satisfy the requirements of an incoming job then it is inherently taught that the weight is greater than the others to be chosen).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of DeHority with the teachings of Webster to allow the user to indicate to the printer the closest match to the print job requirements should be used rather than rejecting the job completely.

Regarding claim 9, Webster fails to disclose the method wherein: the step of choosing chooses an itinerary from a group of itineraries, the group of itineraries being one of (i) a subset of the itineraries in a list of valid itineraries and (ii) all of the itineraries

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in the list of valid itineraries, and the step of calculating includes (i) computing an itinerary weight for the chosen itinerary for each of the policies and (ii) combining the computed itinerary weight for each of the policies into a combined weight for the chosen itinerary.

However, DeHority discloses the method wherein: the step of choosing chooses an itinerary from a group of itineraries (column 3, line 66 to column 4, line 20), the group of itineraries being one of (i) a subset of the itineraries in a list of valid itineraries (Figures 3A and 3B show the subsets of the itineraries) and (ii) all of the itineraries in the list of valid itineraries (Figures 2A and 2B go through the full list of itineraries), and the step of calculating includes (i) computing an itinerary weight for the chosen itinerary for each of the policies (column 11, lines 39-48) and (ii) combining the computed itinerary weight for each of the policies into a combined weight for the chosen itinerary (column 4, lines 26-51).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of DeHority with the teachings of Webster to allow the user to indicate to the printer the closest match to the print job requirements should be used rather than rejecting the job completely.

Regarding claim 10, Webster fails to disclose the method wherein the end condition includes at least one of when a calculated combined weight for an itinerary exceeds a predetermined threshold, when a predetermined time has elapsed, when a combined weight for each of a predetermined number of itineraries has been calculated,

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and when a combined weight for each itinerary in the group of itineraries has been calculated.

However, DeHority discloses the method wherein the end condition includes at least one of when a calculated combined weight for an itinerary exceeds a predetermined threshold (column 4, lines 26-51), when a predetermined time has elapsed (column 4, lines 26-28), when a combined weight for each of a predetermined number of itineraries has been calculated (column 4, 26-51), and when a combined weight for each itinerary in the group of itineraries has been calculated (column 11, lines 39-48).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of DeHority with the teachings of Webster to allow the user to indicate to the printer the closest match to the print job requirements should be used rather than rejecting the job completely.

Regarding claim 12, Webster fails to disclose the media wherein the traverser includes : a first sub-module to choose an itinerary; a second sub-module to calculate a combined weight; and a repeat module to repeatedly operate the first and second sub-modules until an end condition is reached.

However, DeHority discloses the media wherein the traverser includes: a first sub-module to choose an itinerary (column 3, line 66 to column 4, line 20); a second sub-module to calculate a combined weight (column 4, line 20-26); and a repeat module to repeatedly operate the first and second sub-modules until an end condition is reached (column 4, lines 26-51; end conditions read as "GO" and "NO GO" indicators).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of DeHority with the teachings of Webster to allow the user to indicate to the printer the closest match to the print job requirements should be used rather than rejecting the job completely.

Regarding claim 13, Webster fails to disclose the media further comprising a module to choose after the end condition is reached an itinerary that has a combined weight calculated by the second module that is greater than a combined weight of any other itinerary calculated by the second module.

However, DeHority discloses the media further comprising a module to choose after the end condition is reached an itinerary that has a combined weight calculated by the second module that is greater than a combined weight of any other itinerary calculated by the second module (column 12, lines 30-42; if printer is able to make a choice as to what characteristics of the printer best satisfy the requirements of an incoming job then it is inherently taught that the weight is greater than the others to be chosen).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of DeHority with the teachings of Webster to allow the user to indicate to the printer the closest match to the print job requirements should be used rather than rejecting the job completely.

Regarding claim 14, Webster fails to disclose the media wherein: the first sub-module chooses an itinerary from a group of itineraries, the group of itineraries being one of (i) a subset of the itineraries in a list of valid itineraries and (ii) all of the itineraries

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in the list of valid itineraries, and the second sub-module includes (i) logic to compute an itinerary weight for the chosen itinerary for each of the policies and (ii) logic to combine the computed itinerary weight for each of the policies into a combined weight for the chosen itinerary.

However, DeHority discloses the media wherein: the first sub-module chooses an itinerary from a group of itineraries (column 3, line 66 to column 4, line 20), the group of itineraries being one of (i) a subset of the itineraries in a list of valid itineraries (Figures 3A and 3B show the subsets of the itineraries) and (ii) all of the itineraries in the list of valid itineraries (Figures 2A and 2B go through the full list of itineraries), and the second sub-module includes (i) logic to compute an itinerary weight for the chosen itinerary for each of the policies (column 11, lines 39-48) and (ii) logic to compute an itinerary weight for each of the policies into a combined weight for the chosen itinerary (column 4, lines 26-51).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of DeHority with the teachings of Webster to allow the user to indicate to the printer the closest match to the print job requirements should be used rather than rejecting the job completely.

Regarding claim 15, Webster fails to disclose the media wherein the end condition includes at least one of when a calculated combined weight for an itinerary exceeds a predetermined threshold, when a predetermined time has elapsed, when a combined weight for each of a predetermined number of itineraries has been calculated,

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and when a combined weight for each itinerary in the group of itineraries has been calculated.

However, DeHority discloses the media wherein the end condition includes at least one of when a calculated combined weight for an itinerary exceeds a predetermined threshold (column 4, lines 26-51), when a predetermined time has elapsed (column 4, lines 26-28), when a combined weight for each of a predetermined number of itineraries has been calculated (column 4, 26-51), and when a combined weight for each itinerary in the group of itineraries has been calculated (column 11, lines 39-48).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the inventions were made to include the teachings of DeHority with the teachings of Webster to allow the user to indicate to the printer the closest match to the print job requirements should be used rather than rejecting the job completely.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica J. Mitchell whose telephone number is 703-306-3430. The examiner can normally be reached on Mon.-Fri. from 7:30 a.m. to 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-3455 for regular communications and 703-746-3455 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

mjm
December 12, 2002